

Notice of Allowability

Application No.

09/824,280

Applicant(s)

YAMAUCHI ET AL.

Examiner

James A. Fletcher

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication received 20 December 2004.
2. ☒ The allowed claim(s) is/are 1-8, 13-18, and 21, renumbered 1-15 respectively.
3. ☒ The drawings filed on 20 December 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

EXAMINER'S AMENDMENT

New Art Unit

1. Please include the new Art Unit 2616 in the caption or heading of any written or facsimile communication submitted after this Office Action because the examiner, who was assigned to Art Unit 2615, will be assigned to new Art Unit 2616. Your cooperation in this matter will assist in the timely processing of the submission and is appreciated by the Office.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Dan Calder on 11 January 2005, and on 31 January 2005

The application has been amended as follows:

Claim 9 (Cancelled)

Claim 10 (Cancelled)

Claim 21 (New) A medium storing program instructions allowing a computer to carry out the method of any of claims 13 to 18, wherein the medium is processible by a computer.

Two faxes containing the agreed-upon amended claim language are attached to this office action.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (703) 305-3464. The examiner can normally be reached on 7:45AM - 5:45PM M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached at (703) 305-4380.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, DC 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

JAF
February 1, 2005

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FACSIMILE COVER SHEET

DATE: 1/11/05
TIME: _____

OUR REF NO.: 09/824,280
YOUR REF NO.: _____

FROM: DAN CALDER
TO: EXAMINER JAMES FLETCHER
COMPANY: USPTO
FAX TELEPHONE: 703-746-7782
OFFICE TELEPHONE: _____
TITLE OF DOCUMENT: _____

TOTAL NUMBER OF PAGES: 2 (including this form)

COMMENTS:

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Per our conversation.

Application No.: 09/824,280
Supplemental Amendment Dated: January 10, 2005
Reply to Final Office Action of: September 27, 2004

MTS-3246US

7. (Previously Presented) The transfer rate controller according to any one of claims 1 to 3, wherein the packet rate adjusting means controls a transfer rate according to a warning indicative that an overflow is likely to occur in a buffer of a decoder.

8. (Previously Presented) A transfer system, comprising:

the transfer rate controller according to claim 7; and

a decoding system, having: a buffer for temporarily storing an inputted stream; and

decoding means of inputting the stream from the buffer and decoding and outputting the stream,

monitor means of monitoring a free space of the buffer and issuing a warning to the transfer rate controller, which transmits the stream, if an overflow is likely to occur in the buffer.

9. (Currently Amended) A medium ~~for storing a program and/or data~~ for allowing a computer to carry out ~~all or some functions of all or some means of~~ the transfer rate controller or the decoding system according to any of claims 1 to 3, wherein the medium is processible by a computer.

10.-12. (Cancelled)

13. (Previously Presented) A method of transferring a data stream from a reproducing device to a decoder comprising the steps of:

(a) transmitting over a transmission medium, to the decoder from the reproducing device, the data stream;

(b) receiving over the transmission medium, from the reproducing device, the data stream at a predetermined data transfer rate;

(c) storing the received data stream in a temporary buffer;

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FACSIMILE COVER SHEET

DATE: 1/31/05
TIME: _____

OUR REF NO.: MTS-324605
YOUR REF NO.: 09/824,280

FROM: <u>DAN CALDER</u>
TO: <u>EXAMINER FLETCHER</u>
COMPANY: <u>USPTO</u>
FAX TELEPHONE: <u>703-746-7782</u>
OFFICE TELEPHONE: _____
TITLE OF DOCUMENT: _____

TOTAL NUMBER OF PAGES: 2 (including this form)

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Please notify us immediately if you have not received the number of pages indicated above.

*Per our conversation, Claim 9 is amended
Dan Calder*

Jan-31-05

10:55am From-Ratner Prestia

610-407-0701

T-717 P.002/002 F-203

Application No.:

09/824,280

MTS-3246US

PROPOSED CLAIM 9

9. (Currently Amended) A medium ~~for storing a program~~ instructions ~~and/or data for allowing a computer to carry out the method of all or some functions of all or some means of the transfer rate controller or the decoding system according to any of claims 1 to 313 to 18,~~ wherein the medium is processible by a computer.